

MINUTES
LICENSING COMMITTEE MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS
1917 IH35 SOUTH
AUSTIN, TX 78741
November 18, 2009 —11:00 am

Call to Order. Acting Committee Chair Shannon K. McClendon called the Licensing Committee meeting to order at 11:11 a.m. on November 18, 2009, at the Texas Board of Professional Engineers, 1917 IH35 South, Austin, TX. (NOTE: All votes are unanimous unless otherwise indicated.)

1. Roll call and welcome visitors

Shannon K. McClendon	Acting Chair
G. Kemble "Kem" Bennett, Ph.D., P.E.	Member
James "Jim" Greer, P.E.	Member
Daniel Wong, Ph.D., P.E.	Alternate Member

A quorum was present. Jeb Boyt, Assistant Attorney General was present to provide legal counsel. Mr. Edmundo Gonzalez, P.E., and Mr. Jose Guerra, P.E., Emeritus Members, were present.

The following staff members were present:

Lance Kinney, P.E.	Deputy Executive Director
David Howell, P.E.	Director of Licensing
Dorothy Nieto	Executive Assistant

Visitors. Peyton McKnight, Texas Council of Engineering Companies; Deena Wallace, TX A&M; Robert Navarro, P.E., Structural Engineers Association of Texas (SEAOt), TBPE Past Board Member; Eric Christiansen, P.E., SEAOt; Jim Winton, P.E., TSPE; Rick Meyer, P.E., TSPE; Joe Graff, Texas Department of Transportation (TxDOT); Mrs. Renedo; Amy Hernandez.

Personal Appearances. Richard J. Mayer; Brandon Nicholas Ault; Guillermo G. De Hoyos; Christopher John Renedo; Zachary B. Ryan; John Schalekamp; Lucio Trujillo.

2. Public comment. None.

3. Discuss and possibly approve the August 19, 2009, Licensing Committee Minutes

It was MOVED/SECONDED (Greer/Bennett) to approve the August 19, 2009 Licensing Committee minutes. Ms. McClendon recommended several edits and made recommendations to staff for future minutes. A vote was taken, and the MOTION PASSED.

Discuss and Possibly Act on the Following Items:

Personal Interviews:

4. Discuss and possibly act on applications for licensure.

Richard J. Mayer. Dr. Mayer came before the committee requesting to be licensed by waiver under the engineering educator rules: §§ 133.25 and 133.69 (c)(2). His original application was circulated among Board members for review. Due to the fact that the application demonstrated a significant amount of time dedicated to non-teaching research work, the Board members that reviewed the application suggested that he appear before the committee to elaborate on his professional experience and current work as a Texas A&M educator. Dr. Mayer provided the committee with his vitae for their review. He said he started as a research assistant with Texas A&M in 1983 and he joined the faculty in 1988. He commented that during this time he served on several committees, received a joint appointment in the Industrial Engineering and Computer Science departments; 12 of his students graduated with a Ph.D., 21 with an MS; he developed 2 courses, one is Knowledge Based Systems and a systems engineering course. He left in 1993 to focus on his business. He maintains an adjunct professor status with Texas A&M. Mr. Gonzalez, Emeritus Board Member, shared with the committee that in the past the Board strongly encouraged the licensure of educators so that they would serve as role models to their students. Ms. McClendon suggested Dr. Mayer be present at the November 19, 2009, Regular Quarterly Board meeting and bring a copy of his vitae for the other Board members to review.

It was MOVED/SECONDED (Greer/McClendon) to recommend to the Board at its Regular Quarterly Board meeting on November 19, 2009 to approve the applicant's request for a waiver of the FE and PE exam and grant him a PE license. A vote was taken, and the MOTION PASSED, 2 to 1; Mr. Greer and Ms. McClendon in favor; Dr. Wong abstained. Dr. Bennett recused himself from all discussion and any action regarding this applicant due to his connection through Texas A&M University.

Dr. Wong asked the Chair's permission to be excused from the meeting. The Chair concurred.

Ault, Brandon Nicholas. This applicant applied to take the PE exam. He was referred to the committee by staff due to a criminal conviction issue that occurred earlier this year. Mr. Ault presented official court documents to the committee members. The applicant addressed the committee and stated that he accepts full responsibility for the decision he made and the error in judgment he made at that time. According to the applicant the case has been dismissed and he does not intend to place himself in that type of situation again. He thanked the committee for their time and consideration of his request.

Dr. Bennett addressed all the applicants present and informed them that the Board holds professional engineers to a high standard which includes ethical conduct outside of the workplace. The Board recognizes that situations occur and takes them seriously, particularly if a pattern is noted that may indicate incompetency and especially if the public health, safety and welfare is at stake. Dr. Bennett thanked Mr. Ault for his comments to the committee.

It was MOVED/SECONDED (Bennett/Greer) to recommend to the Board at its Regular Quarterly Board meeting on November 19, 2009, to allow Mr. Ault to sit for the PE exam. A vote was taken and the MOTION PASSED.

De Hoyos, Guillermo G. This applicant applied to take the PE exam. He was referred to the committee by staff due to a criminal conviction issue from 2005. Mr. De Hoyos addressed the committee and gave his account of the incident. The applicant stated that his case was heard in 2006 and dismissed. He commented that he would not place himself in this situation again. According to the applicant he is the "go to" person at work. He asked the committee to grant him the opportunity

to take the PE exam. The applicant was asked why he indicated on his application that he had never had a criminal conviction. The applicant explained that he understood the incident had been dismissed so assumed that it was not on his record.

It was MOVED/SECONDED (Bennett/Greer) to recommend to the Board at its Regular Quarterly Board meeting on November 19, 2009, to allow Mr. De Hoyos take the PE exam. A vote was taken and the MOTION PASSED.

Christopher John Renedo. This applicant applied to take the PE exam. He was referred to the committee by staff due to a criminal conviction issue. He appeared before the committee in August 2009 and was asked to provide additional references and appear before the committee at the next scheduled meeting. Mr. Renedo addressed the committee and reported that he took the initiative and completed anger management counseling through his employee assistance program. The committee members thanked the applicant for the additional references and for showing initiative and taking the anger management course.

It was MOVED/SECONDED (Greer/Bennett) to recommend to the Board at its Regular Quarterly Board meeting on November 19, 2009, to allow Mr. Renedo to take the PE exam. A vote was taken and the MOTION PASSED.

Ryan Zachary B. This applicant applied to take the PE exam. He was referred to the committee by staff due to a criminal conviction issue. Mr. Ryan thanked the committee for allowing him to share his experience regarding the incident. The applicant stated that he understands the mistake and error in judgment he made regarding this incident and how it impacted not only his personal life but also his professional life. He commented that he would not place himself in this situation again. He requested that the committee grant him an opportunity to take the PE exam and become a professional engineer.

Dr. Bennett reminded all the applicants the serious consequences of drunk driving which does not only affect them but also other innocent people. Dr. Bennett and Mr. Greer thanked Mr. Ryan for his comments.

It was MOVED/SECONDED (Greer/Bennett) to recommend to the Board at its Regular Quarterly Board meeting on November 19, 2009, to allow Mr. Ryan to take the PE exam. A vote was taken and the MOTION PASSED.

Schalekamp, John, T. This applicant applied to take the PE exam. He was referred to the committee by staff due to a criminal conviction issue. The applicant thanked the committee for allowing him to comment on the incident. He said he regrets the poor choice he made in regards to this incident. He understands the possible consequences that could have occurred. He requested the committee allow him the opportunity to take the PE exam. Dr. Bennett commented that the court document states "Case to run concurrent with all other cases". Dr. Bennett asked the applicant if he had other previous cases pending. Ms. McClendon asked if he had any current cases pending. The applicant responded he has a current DWI arrest from one month ago which was pending at the time of the meeting, and the first court date is November 19, 2009, in Dallas County. The incident occurred in the City of Dallas. Due to the applicant's current pending legal issues, the committee agreed that the applicant should appear before the Licensing Committee after the conclusion of the current case. The committee suggested the applicant contact Mr. Howell and provide an update on the results of the November 19, 2009, court appearance. The committee members commended the applicant on coming forward regarding this current incident. The committee did not act on this applicant's request.

Trujillo, Lucio. This applicant applied to take the PE exam. He was referred to the committee by staff due to a criminal conviction issue. Mr. Howell commented that the applicant's DWI was reduced to Obstruction of Passageway. The applicant thanked the committee for allowing him to comment on the incident. He reported that he understands the seriousness of his actions. He said he used poor judgment and would not place himself in that situation again. He stated that he has maintained a clean record since the incident. He requested that the committee allow him the opportunity to take the PE exam. Dr. Bennett informed the applicant that the Obstruction of Passageway incident is still a class B misdemeanor. The applicant was asked about his conduct regarding the 2002 incident. The applicant commented that he was arrested because he did not have anyone to pick him up when pulled over by the police officer.

It was MOVED/SECONDED (Bennett/Greer) to recommend to the Board at its Regular Quarterly Board meeting on November 19, 2009, to allow Mr. Trujillo to take the PE exam. A vote was taken and the MOTION PASSED.

The committee took a break at 12:21 pm. The committee reconvened at 12:33 pm.

Discuss and Possibly Act on the Following Item:

5. Discussion and update regarding the Structural Engineers Exam

- **Speaker from Structural Engineers Association of Texas (SEAOt)**

Mr. Kinney mentioned that effective 2011 the NCEES Structural Engineering PE Exam will change from an 8 hour to a 16 hour exam. Several options were discussed at the last meeting, and one of the options was to ask SEAOt their thoughts and ideas of the future of the structural engineering exam and structural engineering licensure.

Mr. Eric Christenson, P.E., and Mr. Robert Navarro, P.E., with the Structural Engineers Association of Texas (SEAOt) addressed the committee. Mr. Christenson, the current president of SEAOt, gave a breakdown of the membership and history of SEAOt. He thanked the committee for allowing SEAOt the opportunity to comment on the upcoming examination change. He stated that SEAOt would prefer to see a separate Structural Engineering licensure process. However, in the interim, SEAOt would like to see not only a PE designation but also a Structural Engineer (SE) designation to those that pass the 16 hour exam. The Association would like to suggest this designation change be a TBPE rule instead of a legislative change. Mr. Navarro commented that currently other states have separate SE licensure and others are moving in this direction. He believes that after 2011, states may also consider SE licensure. Mr. Navarro provided the committee with information and background on the work SEAOt has done regarding this issue. He added that a committee has been designated within SEAOt to work with the Board. He summarized his 50 years of experience in structural engineering. The Association understands that any change will take an implementation process. He would also like the Board to consider 'grandfathering' to address how to handle current engineers that are practicing structural engineers. He stated SEAOt would also like the Board to consider the educational requirements of a structural engineer, and SEAOt's state organization is available and willing to assist the Board with this issue.

Staff asked for guidance from the committee on the direction this issue should be addressed. Emeritus members shared their views and past experience regarding Structural Engineers.

Mr. Christensen provided the committee with a list of the SEAOt Structural Engineers Licensing Committee for their reference.

The representatives from SEAoT suggested a process where professional engineers would submit a form similar to the supplemental experience form showing their competency in structural engineering to be considered by the Board and allowing the SE designation.

Ms. McClendon thanked Mr. Christensen and Mr. Navarro for sharing the views of SEAoT with the committee. She suggested requesting input from the Industry Advisory Committee too. The committee directed staff to research further using resources available, surveying other states regarding this issue, and ask Mr. Nadkarni to be the Board representative. Mr. Jose Guerra, P.E., volunteered to sit on the task force.

It was MOVED/SECONDED (Greer/ Bennett) to set up a task force and have Mr. Govind Nadkarni, P.E., act as Board Liaison, and have Mr. Jose Guerra, P.E., Emeritus Member, Board staff, and other stakeholders and organizations involved to research the Structural Engineer 16 hour exam further and present any recommendations at the next scheduled Licensing Committee meeting. A vote was taken, and the MOTION PASSED.

Mr. McKnight said he would discuss this issue further with his organization and provide feedback to staff.

SEAoT representatives were invited to the Regular Board meeting on November 19, 2009.

Reports and Possible Action Thereon:

6. Results and statistics:

- **Application and Examination Report**
- **Report on Exam statistics for Applicants who have been approved by the Licensing Committee**

Mr. Howell reviewed the reports which were included as part of the Board exhibits. No action was required or taken on this agenda item.

7. Report on International Agreements

- **Engineers Canada**
- **KRIVET/KPEA (Korea)**

Mr. Kinney reported that the Engineers Canada agreement is being routed through their Provinces, and they expect a response back before the end of the year. So far the responses seem to be favorable.

Staff met with representatives of the (South) Korean Professional Engineers Association (KPEA) and the Korea Research Institute for Vocational Education & Training (KRIVET) and gave a brief presentation regarding the licensure process. Staff learned that there is a Free Trade Agreement between the U.S. and South Korea (KORUS FTA) which has been signed but not yet ratified by Congress. The Koreans have different ministries that oversee their engineering licensure process. The committee was informed that NCEES signed an agreement with KPEA to administer the PE exam in Korea, so South Korea will be producing engineers with Washington Accord degrees, NCEES exams, and gaining engineering experience. Since the agreement is not yet in place, TBPE was invited to participate in any future negotiations.

Agenda item #9 was taken out of order, see below.

8. Report on Software Engineering

- **Update on Exam Process**
- **Definition / Scope of Practice**

NCEES approved the development of the Software Engineering PE exam. The first step is to get the appropriate committees in place. Emails were sent to all PEs in the state of Texas seeking interest in serving on the exam development committee and officer positions. Mr. Kinney received 30 resumes which he reviewed and made recommendations to the Software Exam Steering Committee. Recommendations from NSPE and IEEE were also received. Interested parties were provided with all the NCEES voluntary guidelines. Mr. Kinney recommended that the Licensing Committee should start thinking about the scope of the software engineering practice in Texas.

9. Issues for consideration and schedule next meeting

Mr. Greer asked to review the engineering educator rules at the next scheduled Licensing Committee meeting.

The committee returned to the regular agenda, see agenda item #8.

Adjourn.

Ms. McClendon adjourned the meeting at 1:21 p.m.

Date minutes were approved as submitted:

February 24, 2010

Date minutes were accepted by Board:

February 25, 2010